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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,896	04/20/2004	Clement B. Edgar III	PA716D1C1	5845
23596 7590 06/23/2010 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER				
HOM, SHUCK C				
ART UNIT		PAPER NUMBER		
2471				
NOTIFICATION DATE		DELIVERY MODE		
06/23/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

Office Action Summary

Application No.

10/828,896

Applicant(s)

EDGAR ET AL.

Examiner

SHICK C. HOM

Art Unit

2471

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-17 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-9, 18-21, 23-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the appeal brief filed on 3/25/2010, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Terminal Disclaimer

2. The terminal disclaimer filed on 12/22/2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,724,753 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

3. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered

therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-9, 18-21, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao (6,597,687) in view of Stern (5,191,626).

Rao discloses the telephone apparatus, comprising:

a transceiver that communicates with a central station (Fig. 1 shows and col. 2 line 61 to col. 3 line 14 recite the transceiver, i.e. Modem 125, communicating over the phone line 127 to the central office);

a plurality of desksets (Figs. 1 and 3 show the plurality of telephony devices 173); and

an interface bus that permits said desksets to communicate with said transceiver by exchanging packets with the transceiver (Figs. 1 and 3 show the interface bus 105 that permits the

desksets 173 to communicate using a packet switched network as in claim 1);

wherein said interface bus comprises a pair of conductors; wherein said interface bus comprises an unshielded twisted pair; and wherein said interface bus comprises an EIA-485 interface (col. 2 lines 46-60 recite the communications line to communicate via voice calls and connect a computer system to a packet switched network being a cable modem line or Digital Subscriber Line (DSL), for example, over which a computer system may be coupled to a packet switched network clearly reads on the use of pair of conductors; the unshielded twisted pair; and use of an EIA-485 interface as in claims 6-8);

wherein the transceiver is configured to communicate with the central station over a wireless communications link; and wherein the central station corresponds to a base station within an access network that is configured to provide wireless communications services to each of the plurality of desksets through the transceiver (col. 3 lines 52-67 recite the cordless base station coupling the system clearly reads on the use of a wireless communications link as in claims 23-24);

wherein source information included in each packet identifies a given deskset among that the plurality of desksets that is sending the packet (col. 4 lines 43-51 recite the caller

identification (ID) module providing a telephone number or other information to identify a remote caller clearly reads on the identification information in the packet as in claim 19); and wherein each of the plurality of desksets exchanging packets with the transceiver is configured to send data to the transceiver in a different manner from each other deskset based on an associated address of the deskset (col. 10 lines 35-44 recite originating or answering a voice telephone call causes the telephone line 127 to move to a state 415 in which both Internet data and H.323 (or other multimedia or audio data) is communicated over the telephone line 127 whereby the telephone line 127 remains in the state 415 if other voice calls are originated or answered and if all voice calls are discontinued, i.e. the user "hangs up," the telephone line 127 returns to the state 410 and if the user disconnects from the Internet 300 from either the state 410 or the state 415, the telephone line 127 returns to the idle state 405 clearly reads on configuring the transceiver in a different manner based on the the deskset being voice or data as in claim 20).

Rao discloses all the subject matter of the claimed invention with the exception of whereby each packet including source, destination and error checking information as in claim 1; and wherein a media access layer of said interface bus is

carrier sense multiple access with collision detect as in claim 9. Further, although Rao do not disclose further each packet comprising a command (CMD) byte; an argument (ARG); and a block check character (BCC) for error checking as in claim 2; wherein said BCC is produced by a longitudinal parity check as in claim 3; wherein said BCC is produced by a cyclic redundancy check as in claim 4; wherein each packet further comprises a start of header (SOH) byte that indicates the start of the packet as in claim 5; wherein each deskset has a different pre-assigned time-out period as in claim 18; wherein the associated address of each deskset defines a different time-out period related to access of the interface bus by a corresponding deskset as in claim 21; the examiner takes official notice that having packet comprising a command (CMD) byte; an argument (ARG); and a block check character (BCC) for error checking as in claim 2; wherein said BCC is produced by a longitudinal parity check as in claim 3; wherein said BCC is produced by a cyclic redundancy check as in claim 4; wherein each packet further comprises a start of header (SOH) byte that indicates the start of the packet as in claim 5; wherein each deskset has a different pre-assigned time-out period as in claim 18; wherein the associated address of each deskset defines a different time-out period related to

access of the interface bus by a corresponding deskset is well known in the art.

Stern from the same or similar fields of endeavor teach that it is known to provide whereby each packet including source, destination and error checking information (col. 9 lines 36-39 recite that it is known that when transmitting data in the form of packets to provide whereby the packet contains the source destination address and error detection information as in claim 1); and wherein a media access layer of said interface bus is carrier sense multiple access with collision detect (col. 2 line 42 to col. 3 line 9 recite the communications sources accessing the same link without interfering with each other, provided each one is assigned a unique channel in a unique waveband using known procedure such as Frequency Division Multiple Access (FDMA) and "channelize" the wavebands using other well-known techniques, e.g., time division multiple access (TDMA), subcarrier modulation, random access, polling, etc. clearly reads on the use of carrier sense multiple access with collision detect as in claim 9).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide whereby each packet including source, destination and error checking information; and wherein a media access layer of

said interface bus is carrier sense multiple access with collision detect as taught by Stern in the telephone apparatus of Rao.

The step of providing whereby each packet including source, destination and error checking information; and wherein a media access layer of said interface bus is carrier sense multiple access with collision detect can be implemented by using the packet format and the CSMA protocol of Stern in each packet and communication protocol of Rao.

The motivation for providing whereby each packet including source, destination and error checking information; and wherein a media access layer of said interface bus is carrier sense multiple access with collision detect as taught by Stern in the packets of the telephone apparatus of Rao being that it provides more efficiency for the system design since the system uses a packet format and communication protocol that are well known standards.

Allowable Subject Matter

6. Claims 10-17 and 22 are allowed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dodds et al. disclose networking computers via shared use of voice telephone lines.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHICK C. HOM whose telephone number is (571)272-3173. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pham Chi can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chi H Pham/
Supervisory Patent
Examiner, Art Unit 2471

SH